

# HOME RULE FOR ST. LOUIS

*Three bills prepared by The Business  
Men's League of St. Louis for the  
government of the Police, Elections  
and Excise Departments of the city,  
to be submitted to the Legislature of  
Missouri.*

THESE BILLS HAVE BEEN WRITTEN BY  
MR. CHARLES W. BATES, FORMERLY  
CITY COUNSELOR OF ST. LOUIS, AND  
ATTACHED IS A DIGEST OF THEIR  
CONTENTS, PREPARED BY HIM.

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# DIGEST OF THE BILLS

The three Home Rule bills prepared by the Business Men's League transfer from the control of the governor to the control of the city, through its mayor, the police department of the city of St. Louis, the election board of the city of St. Louis, and the excise commissioner, who has the sole authority to issue dramshop licenses in the city of St. Louis and to revoke such licenses for violations of the dramshop laws (without conviction in the courts).

No changes are made in the legislation of the state governing these offices, other than the transfer of the appointing and removing power, and in the tenure and salary of the officers filling those places, and in reducing the police board to one member instead of five, and the election board to two instead of four members.

No change is made in the substantive law governing the police powers, functions, duties and responsibilities; or the powers, duties and the responsibilities of the election officers; or the powers, duties and responsibilities of the excise commissioner.

The statutes of the state now provide for removal of such officers by proceedings in court. No change is made in these statutes.

The qualifications for holding these respective offices are not materially changed, the specific requirement being made in the bills that each shall be a citizen and resident of the city of St. Louis prior to appointment.

Under the laws as they now exist, neither the police commissioners nor the election commissioners are eligible to public office or place during the term for which they were appointed police commissioner or election commissioner, as the case may be. This provision is preserved in the bill.

Taking up the three bills separately, the exact changes along the lines above indicated, are as follows:

## (a) THE POLICE.

At present the police department of the city of St. Louis is under the administrative control of a board of five members, four of whom are appointed by the governor, the mayor of the city being ex-officio a member of that board.

# DIGEST OF THE BILL

It is now provided in the state statutes that one of the members of the board shall be president and one shall be treasurer, and in pursuance of the plan of organization adopted by the board, it also appoints one of its members purchasing agent. The salary of each of the members, other than the mayor, is one thousand dollars per annum.

Under the bill relating to this matter, the office of police commissioner is created and this office is to be filled by one man appointed by the mayor, whose term of office is co-extensive with that of the mayor appointing him, and who is to receive a salary of ten thousand dollars per annum. This plan necessitates this commissioner performing the duties not only of the board, as it now exists, but of the officers of that board as their functions are divided up under the present arrangement.

Under the present law, the governor may remove the police commissioners, other than the mayor, who is ex-officio a member.

Under the proposed law the police commissioner is removable at pleasure by the mayor and for cause by the city council, as other city officials may be removed by the council, upon a hearing and a trial, with charges preferred.

Under either plan, as stated above, the official may be removed by proceedings in court.

The statutes of the state as they now exist (and no change is made therein by the bill) provide for the organization of the police force, making the chief of police the executive head of the department.

Under the present law, as well as under the bill, the city pays the salary and all expenses of the department.

#### (b) ELECTIONS.

Under the present law the board of election commissioners of the city of St. Louis has charge of registration and elections in the city. No change in the functions, powers, duties or responsibilities of the board is made by the bill.

Under the present law the board is a bipartisan board. No change in this regard is made by the bill.

Under the present law the board consists of four members. By the bill the board will consist of two members.

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Under the present law all of the commissioners are appointed by the governor. Under the bill they will be appointed by the mayor of the city.

Under the present law two of the four members appointed by the governor shall be members of the leading political party opposed to that to which the governor belongs, and it is provided that the governor shall choose two of the commissioners from six eligible citizens named by the state committee of the political party opposed to that to which the governor belongs, and the other two he shall choose from six eligible citizens named in the same manner by the political party to which the governor belongs.

Under the bill one of the commissioners shall belong to the leading political party opposed to that to which the mayor belongs, and both of them shall not belong to the same political party, but the mayor is not required to appoint from selections made by political committees of either party.

The requirements as to citizenship and residence of the commissioners are the same under the bill as under the present law.

Under the present law each of the four commissioners gets a salary of three thousand dollars per annum; whereas, under the bill each of the two commissioners will get a salary of five thousand dollars per annum.

Under the present law, as well as under the bill, the city pays the salaries and all expenses of the office.

Under the present law the governor designates which member shall be chairman and which shall be secretary, and it is provided that they shall not belong to the same political party. Under the bill, the mayor, in appointing the commissioners, shall designate which one shall be chairman and which one shall be secretary of the board, and of course, since the two can not belong to the same political party, the chairman and the secretary will not belong to the same political party.

Under the present law, the term of office of the first appointees expires on January 15, 1913, and thereafter the commissioner's term of office is fixed at four years each. Under the bill, the terms of office are fixed as co-extensive with that of the mayor appointing them.



As stated, no change is made in the provisions regulating registration, qualifications of voters or elections.

(c) **DRAMSHOPS**

Under the present law the excise commissioner for the city of St. Louis, who has sole authority to grant dramshop licenses or to revoke the same in the absence of conviction in courts for violations of laws relating to dramshops, is appointed by the governor, receives a salary of five thousand dollars per annum, and the expenses of his office, not exceeding four thousand dollars per annum.

Under the bill the excise commissioner will receive a salary of five thousand dollars per annum, and the expenses of the office will be paid, no maximum being fixed for expenses.

Under the law as it now exists, the state pays the salary and office expenses but receives the fees for the services rendered by the excise commissioner's office on behalf of applicants for dramshop licenses. Under the bill the city will pay the salary and expenses of the office and receive such fees.

These fees are a separate and distinct matter from the taxes levied by the state and by the city upon dramshop keepers. No change is made in the amount of such fees nor in the amount of the taxes, and no change is made with respect to the collection of the taxes, they being now collected by the collector of revenue and will be so collected under the bill.

Under the law as it now stands, the governor appoints the excise commissioner, who then holds his office during the pleasure of the governor. Under the bill the mayor of the city will appoint the excise commissioner for a term of office expiring with that of the mayor so appointing.

Under the law as it now exists, the excise commissioner, holding at the pleasure of the governor, of course may be removed by the governor. Under the bill the excise commissioner can be removed by the mayor at pleasure, by the city council upon charges, upon trial, and of course by the courts under the general laws of the state.

CONTINUATION

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# THE ELECTIONS BILL

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AN ACT TO REPEAL SECTIONS 6190 (AS AMENDED BY ACT APPROVED MARCH 27TH, 1911), AND 6235 OF ARTICLE FIFTEEN, OF CHAPTER FORTY-THREE, OF THE REVISED STATUTES OF MISSOURI OF 1909, ENTITLED "REGISTRATION AND ELECTIONS IN CITIES HAVING THREE HUNDRED THOUSAND INHABITANTS, OR OVER," AND TO ENACT NEW SECTIONS IN LIEU THEREOF, TO BE KNOWN AND DESIGNATED AS SECTIONS 6190 AND 6235.

*Be it enacted by the General Assembly of the State of Missouri as follows:*

SECTION 1. Sections 6190 (as amended by act approved March 27th, 1911, 2 entitled "An act to repeal Section 6190 of the Revised Statutes of Missouri 3 of 1909, and enact a new section in lieu thereof, to be known as Section 6190, 4 relating to the creation of a board of election commissioners, the appoint- 5 ment, salary, oaths, bonds, powers, qualifications, etc., of its members"), 6 and 6235 of Article 15 of Chapter 43 of the Revised Statutes of Missouri of 7 1909, are hereby repealed and new sections enacted in lieu thereof, to be 8 known and designated as Sections 6190 and 6235, said new sections to read 9 as follows:

Section 6190. There is hereby created a board of election commissioners 10 for each city governed by the provisions of this article, composed of two 11 members. The mayor of each city governed by the provisions of this 12 article shall appoint said commissioners for a term of office expiring with the 13 official term of the mayor making the appointment, and until their successors 14 are duly appointed and qualified. All vacancies shall be filled by the appoint- 15 ment of the mayor for the remainder of the unexpired term. They, or either 16 of them, may be removed from office by the mayor at pleasure, by the council 17 of such city for cause, and by the courts as provided by law, but not otherwise. 18

# THE ELECTIONS BILL

19     Each of said commissioners shall, at the time of his appointment, have  
20    been a citizen, resident and legal voter of such city for at least five years next  
21    immediately preceding his appointment, and shall continue to be such citizen  
22    and resident while holding said office, and shall be ineligible to any public  
23    office or place or nomination therefor during the term of office for which  
24    he shall be appointed. One of said commissioners shall be the president and  
25    the other the secretary of said board, and in making his appointments the  
26    mayor shall designate the official position in said board to be occupied by the  
27    appointee. One of the commissioners so appointed shall be a member of the  
28    leading political party opposed to that to which the mayor belongs. This  
29    rule shall be observed in the appointment of successors to fill vacancies, as  
30    well as for new terms. In no event shall both said commissioners belong to  
31    or be affiliated with the same political party.

32     Each commissioner shall, before entering upon the duties of his office, take  
33    and subscribe an oath or affirmation to support the constitution of the  
34    United States and of this state and to demean himself faithfully and impar-  
35    tially in office, and shall give bond to the city in the sum of ten thousand  
36    dollars, with securities to be approved by the mayor, conditioned for the  
37    faithful and honest performance of the duties of his said office and the care  
38    and preservation of the property thereof; said oath of office and bond shall  
39    be filed in the office of the register or clerk of such city.

40     Said election commissioners shall devote their whole time to the performance  
41    of their official duties; they shall make all necessary rules and regulations not  
42    inconsistent with law with reference to the registration of voters and conduct  
43    of elections; and shall have charge of and make provisions for all elections,  
44    general, special, local, municipal, state and county, and all others of every  
45    description to be held in such city or in any part thereof at any time.

46     SECTION 6235. In all cities not within counties, such election commis-  
47    sioners, judges and clerks of election and registration, and clerks and  
48    assistants employed by the board of election commissioners, shall be paid by  
49    the city. The members of said board of election commissioners shall each  
50    receive a salary of five thousand dollars (\$5,000.00) a year, payable monthly.



51 The assistants and clerks employed by the election commissioners shall each  
52 receive a salary of four dollars (\$4.00) per day for the time actually employed,  
53 payable monthly. All office and other expenses incurred by said board of  
54 election commissioners, and all costs and expenses of registration and election  
55 in such cities, shall be paid out of the city treasury. All printing, binding,  
56 books, stationery, etc., shall be paid for in the same manner and contracted  
57 for by the board of election commissioners.

1720. Iñaki Aranberrikoen aurrealdean ze hizkidegoa zitzaio, non zen hizkia 173  
1721. Aranberrikoen aurrealdean ze hizkidegoa (1942) maitasunak ze hizkia 174  
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# THE POLICE BILL

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AN ACT TO PROVICE FOR THE APPOINTMENT, TENURE, COMPENSATION AND DUTIES OF A POLICE COMMISSIONER IN CITIES NOW HAVING OR THAT MAY HEREAFTER HAVE THREE HUNDRED THOUSAND INHABITANTS AND OVER; TO PROVIDE AGAINST SUCH COMMISSIONER ACCEPTING OFFICE OR NOMINATION THEREFOR DURING THE PERIOD FOR WHICH HE WAS APPOINTED; TO TRANSFER TO HIM THE POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND FUNCTIONS HERETOFORE VESTED IN THE BOARDS OF POLICE COMMISSIONERS AND IN THE MEMBERS THEREOF IN SUCH CITIES; AND TO PROVIDE FOR THE ABOLISHMENT OF SUCH BOARDS; AND TO REPEAL INCONSISTENT LEGISLATION.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. In all cities of this State that now have or may hereafter attain a population of three hundred thousand inhabitants or over, there shall be, and is hereby established, within and for said cities, the office of police commissioner. The mayor of each such city shall appoint the police commissioner thereof. Such commissioner shall, at the time of his appointment, have been a citizen and resident of such city for at least four years next immediately preceding his appointment and shall continue to be such citizen and resident while holding said office. He shall be appointed for a term expiring with the then official term of the mayor making the appointment, and until his successor shall be duly appointed and qualified. All vacancies shall be filled by the appointment of the mayor to the unexpired term.

Such commissioner shall be removable from office by the mayor at pleasure, by the council of such city for cause, or by the courts as provided by law, and not otherwise.



15 Before entering upon the duties of his office he shall take and subscribe  
16 the official oath or affirmation now provided by law to be taken by the  
17 members of the boards of police commissioners in such cities, and shall  
18 execute and deliver to such city a penal bond in the sum of twenty thousand  
19 dollars (\$20,000.00), with sufficient sureties, to be approved by the mayor,  
20 conditioned for the faithful discharge of his duties as police commissioner  
21 and for the faithful accounting, payment and delivery to the proper parties  
22 of all moneys, property and papers which may come into his hands or be  
23 under his charge by virtue of his office; which oath and bond shall be filed  
24 with the register or clerk of such city. He shall devote all of his time to the  
25 duties of his office, and shall receive a salary of ten thousand dollars  
26 (\$10,000.00), payable monthly.

SECTION 2. Such police commissioner shall perform all the duties, exercise  
2 all the functions and possess all the powers now vested in or imposed by law  
3 upon boards of police commissioners or any member thereof, in cities to  
4 which this act shall be applicable.

SECTION 3. Upon the appointment and qualification of such police com-  
2 missioner, all duties, powers, privileges, immunities and functions now  
3 vested by law in boards of police commissioners and any member thereof,  
4 and in the president and treasurer thereof, in such cities, shall cease and  
5 determine, and such boards and officers shall thenceforth be and stand  
6 abolished; and all provisions of law applicable to said boards or any member  
7 thereof, not inconsistent herewith, shall, so far as practicable, be applicable  
8 to the commissioner herein provided for.

SECTION 4. No police commissioner shall be eligible to any public office  
2 or place whatsoever during the whole period for which he was appointed,  
3 nor shall he be eligible for the nomination for any public office or place  
4 during such period.

SECTION 5. All provisions of law, inconsistent herewith, are hereby  
2 repealed.



# THE DRAMSHOP BILL

AN ACT TO REPEAL SECTIONS 7230 AND 7237 OF ARTICLE TWO, OF CHAPTER SIXTY-THREE, OF THE REVISED STATUTES OF MISSOURI OF 1909, ENTITLED "EXCISE COMMISSIONER," AND TO ENACT NEW SECTIONS IN LIEU THEREOF.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. Sections 7230 and 7237 of Article 2 of Chapter 63 of the Revised Statutes of Missouri of 1909 are hereby repealed and the following new sections in lieu thereof are hereby enacted to be designated Sections 7230 and 7237.

SECTION 7230. In all cities in this State which now have or may hereafter have a population of three hundred thousand inhabitants or more, there is hereby created the office of Excise Commissioner, who shall have exclusive authority to grant dramshop licenses.

Every excise commissioner, before entering upon the duties of his office, shall take and subscribe an oath or affirmation that he possesses the qualifications for such office prescribed by law, that he will support the Constitution of the United States and of the State of Missouri; that he will demean himself faithfully in office, and shall execute and deliver to the city wherein he is appointed, a penal bond, with sureties approved by the Mayor, in the sum of ten thousand dollars (\$10,000), conditional that he will faithfully perform all the duties of his office, and account for, pay and deliver to the proper parties all money and property coming to his hands by virtue of his office, which bond and oath he shall file with the city register or clerk.

The excise commissioner must have been a bona fide citizen and resident of the city wherein appointed for at least two years next previous to his appointment, and must so continue during the time of holding such office; he shall be appointed by the mayor of such city for a term expiring with the then official term of the mayor appointing him, and until his successor shall be duly appointed and qualified; he shall devote his entire time during

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26 business hours to the duties of his office; he may be removed from office by  
27 the mayor at his pleasure, and by the council for cause, and by the courts  
28 as provided by law, and not otherwise; he shall receive a salary of five  
29 thousand dollars (\$5,000) per annum, payable monthly by such city in such  
30 manner as such city pays the salaries of its other officials; and the expenses  
31 of his office shall be paid by such city in such manner as expenses of other  
32 offices in such city are paid.

33 Every excise commissioner, including those now in office, shall deliver to  
34 his successor, on demand, all property pertaining to the office.

35 SECTION 7237. The person to whom a dramshop license shall be issued  
36 shall pay the excise commissioner a fee of three dollars for each state license  
37 and a fee of three dollars for each city license, for granting and issuing the  
38 same, and said excise commissioner shall charge, collect and receive a further  
39 sum of three dollars for taking acknowledgments of each petition filed,  
40 acknowledgment to bond, filing petition and bond, administering oaths, and  
41 all other acts of said commissioner of like character necessary to perfecting  
42 the petitions and papers before the license is issued, and the said excise  
43 commissioner shall perform all these services and acts, and for that purpose  
44 the said excise commissioner is hereby granted and given the power to  
45 administer oaths, to take acknowledgments to all papers and instruments filed  
46 in his office and to possess the same powers for that purpose as are now given  
47 by the statute law of the State of Missouri to justices of the peace. All fees  
48 and charges so collected shall be paid over to the treasurer of the city wherein  
49 he is appointed, to be placed to the credit of the general revenue fund of  
50 such city. Said excise commissioner shall take a receipt therefor from the  
51 treasurer; the original he shall file with the city auditor, and the duplicate  
52 thereof he shall file in his own office as a part of the record thereof. The  
53 said excise commissioner shall make said payments to the city treasurer on  
54 the first Monday of each and every month, and shall at the time of making  
55 said payments to the treasurer file with the city auditor a full, complete  
56 and sworn statement of all of the fees collected by him as herein directed,  
57 during the preceding month and since his last statement, and also stating  
58 the total number of state and city licenses issued and granted, the name  
59 of the person to whom issued, date when issued, date of expiration and  
60 amount of ad valorem tax paid on each.

